



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**February 14, 2005**

**SUBJECT:**            **2004-0920 – AT&T Wireless** [Applicant] **Chang Pal Ki And Ok Yong Trustee** [Owner]: Application on a 20,875 square-foot site for a **958 East El Camino Real** in a C-2/PD (Business Highway Business/Planned Development) Zoning District. (APN: 313-02-034);

Motion                      Special Development Permit to allow a co-location of six roof mounted antennas and associated equipment for a fourth provider on an existing building.

**REPORT IN BRIEF**

**Existing Site Conditions**            Hotel (Friendship Inn)

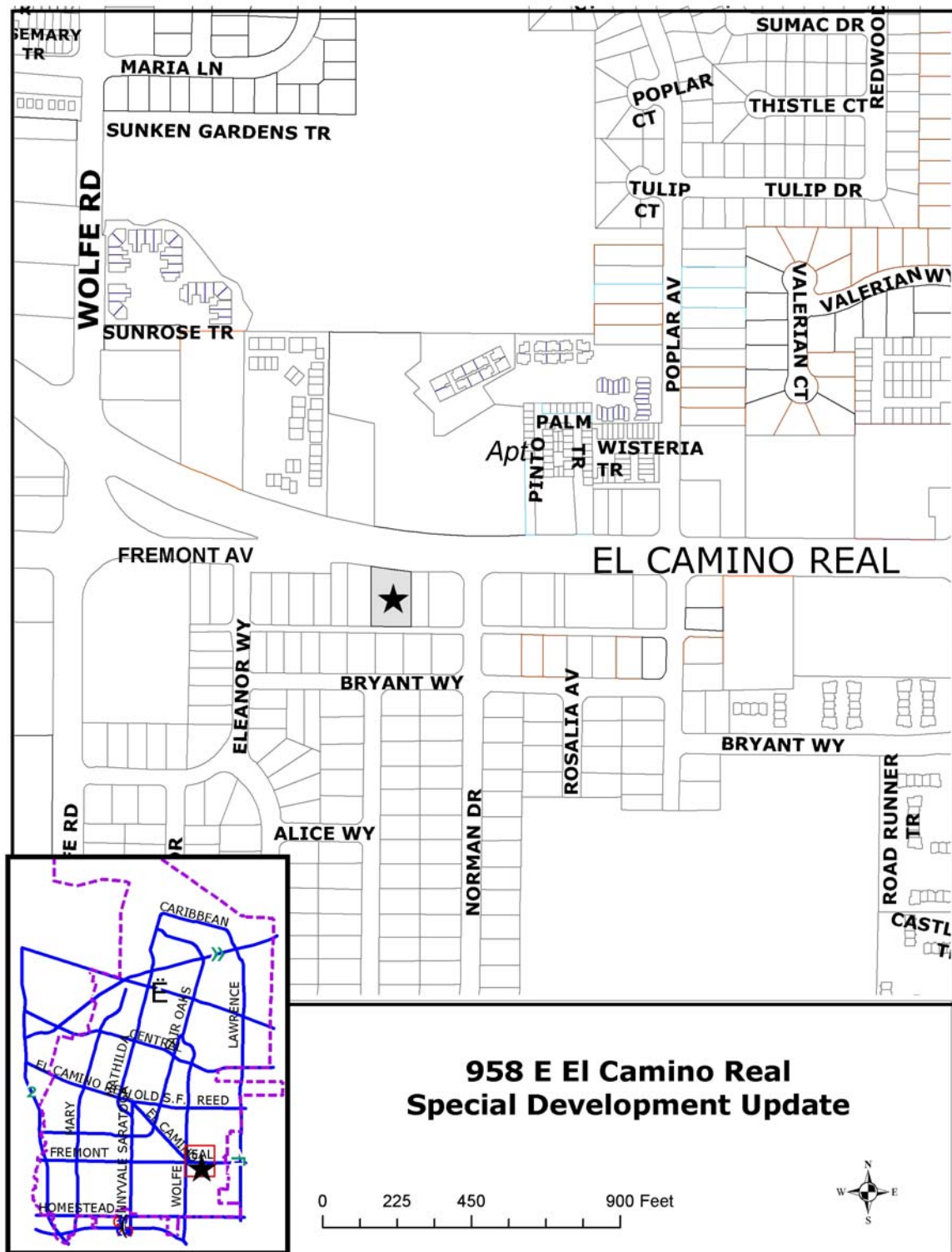
**Surrounding Land Uses**

North	Apartment Complex and Mixed Commercial Uses
South	Single Family Homes
East	Mixed Commercial Uses
West	Mixed Commercial Uses

**Issues**                                      Aesthetics

**Environmental Status**            A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**            Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Highway Business / Planned Development	Same	Highway Business / Planned Development
<b>Zoning District</b>	C2/PD	Same	C2/PD
<b>Lot Size (s.f.)</b>	20,875	Same	No min.
<b>No. of Buildings On- Site</b>	1	Same	Same
<b>Building Height (ft.)</b>	44' / 37' 7" to top of parapet	Same	75' max.
<b>No. of Stories</b>	3	3	8 max.

**ANALYSIS****Description of Proposed Project**

The applicant proposes to co-locate six wireless telecommunications antennas on the third floor and roof of an existing hotel. Four of these antennas would be located behind a transparent screen parapet wall on the rooftop and two antennas behind a transparent screen wall on the third floor patio. The equipment cabinets necessary for the antennas to function would be installed on the third floor in a room located near the patio which contains two of the antennas. The ground equipment is not visible from the public right of way.

Three other telecommunications carriers currently have antennae on the roof of the building (see site photos in Attachment 5). All existing antennae are screened or hidden from view.

The applicant has submitted a radio-frequency emissions report indicating compliance with FCC standards for the combined use of all providers.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2004-0340	SDP to co-locate third telecommunication facility on roof of building (Metro PCS)	Planning Commission / Approved	6/14/04
1998-0916	SDP to co-locate telecommunication facility (Nextel)	Planning Commission / Approved	9/8/97
1997-0385	Plan modification and new telecommunication facility (PCS)	Miscellaneous Plan Permit / Approved	4/4/97

### **Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

### **Special Development Permit**

**Detailed Description of Use and Layout:** The proposed use is for a fourth provider to co-locate six wireless telecommunications antennas at an existing hotel. The proposed antennas would be located on the roof and third floor of the building and screened with a transparent screen. Related equipment would be installed in a 10'6" x 8'6" room on the third floor near the antenna location on the patio.

The following Guidelines were considered in analysis of the project site design.

<b>Design Policy or Guideline (Site Layout)</b>	<b>Comments</b>
<i>A3. Fully screen all service facilities from the public street and adjoining properties.</i>	The proposed antennae would be fully screened by a transparent screen parapet and wall on the roof and third floor. Related ground equipment is hidden from view within a room on the third floor.

<b>Design Policy or Guideline (Site Layout)</b>	<b>Comments</b>
<i>A4. Screening devices shall have a similar design and material to the main structures on the site, and shall be incorporated into the site design of the project.</i>	The new transparent screening will blend in with the existing building. In an effort to provide balance to the view of the building, a screening wall without antennas will be located at the opposite side of the patio. The antennas on the roof will blend in with the existing roof parapet.
<i>B1. Avoid locating mechanical equipment in front setback areas between the public street and buildings.</i>	The proposed antennas will not be located within a required setback area. The antennas will face the street but adequately screened to blend with the design of the building.
<i>B2. Locate mechanical equipment far enough from adjacent properties to not cause a noise problem. Noise level at the property lines may not exceed 60 dBA.</i>	The noise generated from the new equipment on the third floor will not be audible from adjacent properties.

### **Compliance with Development Standards/Guidelines:**

The following sections of the Wireless Telecommunication Ordinances of the Sunnyvale Municipal Code apply to the proposed project:

19.54.140(a) – Wherever technically feasible, wireless telecommunication service providers are encouraged to co-locate telecommunication facilities in order to reduce adverse visual impacts; however, the city discourages the development of “antenna farms” or the clustering of multiple antennae on a single monopole, tower or other elevation, unless the site is determined to be suitable based on the following factors:

(1) Compliance with all FCC RF emission standards;

*This project meets all FCC RF emissions standards.*

(2) Visibility from residentially zoned property;

*This project is not noticeably visible from residentially zoned properties.*

(3) Visibility from El Camino Real or the right of way of a freeway, expressway or other major arterial street;

*With screening, neither the antennas nor the associated equipment would be visible from El Camino Real.*

- (4) Visibility from the Downtown Specific Plan area or other areas declared by the Director of Community Development to be visually sensitive; and

*This project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.*

- (5) Lack of aesthetically preferable feasible alternatives.

*The project site was selected based on its location and ability to incorporate a camouflage design. The design of the parapet antennas enables coverage objectives to be met while not creating a negative visual impact to the surrounding area. The ancillary equipment is also shielded from view within a 3<sup>rd</sup> story room inside the building.*

**Expected Impact on the Surroundings:** No negative impacts on surrounding properties are expected. Screening proposed for the roof and third floor patio antennas and equipment is visually compatible with existing structures on the project site. As the equipment is located within the hotel building, no noise impact is expected to adjacent properties.

### **Fiscal Impact**

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A transportation impact fee is not required for the proposed project. No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 258 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit Findings and General Plan Goals are located in Attachment 1.

**Conditions of Approval:** Conditions of Approval are located in Attachment 2.

**Alternatives**

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1. Adopt the Negative Declaration and approve the Special Development Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Special Development Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Special Development Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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Recommend Alternative 1.

Prepared by:

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Ryan M. Kuchenig  
Project Planner

Reviewed by:

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Gerri Caruso  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Photosimulations

### **Recommended Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunication facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:

- The project meets all FCC RF emissions standards:
- The project is not visible from residentially zoned properties.
- The project is not visible from any major arterial streets, freeways or expressways.
- The project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.

The proposed antennas would be camouflaged and the equipment would be screened from view; therefore, there would be no negative visual impact on the project site or on the surroundings.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The proposed project would improve wireless telecommunications services available in the community. In addition, the proposed antennas meet the visual standards established by the city for telecommunication facilities with appropriate screening through the use of transparent parapets and walls which blend architecturally with the building. The equipment located within the building is not visible to the public and will maintain noise levels below the allowed maximum limit.

**Recommended Conditions of Approval - Special Development Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission.
- G. Every owner or operator of a wireless telecommunications facility shall renew the facility permit at least every five (5) years from the date of initial approval.
- H. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Agency.

- I. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
- J. The applicant shall submit to the Director of Community Development Radio Frequency Emissions at least two reports of field measurements showing:
  - 1. The ambient level of RF emissions before construction of the facility.
  - 2. The actual level of emissions after the facility is in place and operating at or near full capacity. The measurements shall be taken at each property line.
- K. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the city.
- L. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
  - 1) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
  - 2) Name, address and telephone number of a local contact person for emergencies.
  - 3) Type of service provided.
- M. The owner or operator shall maintain, at all times, a sign mounted on the outside fence along Carlisle Way showing the operator name, site number and emergency contact telephone number.
- N. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism,

and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.

- O. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
- P. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- Q. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
- R. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
- S. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication

systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.

- T. No wireless telecommunication facility shall be sited or operated in such a manner that is poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of faculties shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.